

Meeting #3

Zoning Bylaws 201

February 22, 2017



What We Heard at Meeting #2

Worksheet Results

The top priorities identified on the worksheet were:


- 1. Height (34 points, 12 votes)
- 2. Bylaw simplicity (31 points, 9 votes)
- 3. Density (27 points, 8 votes)
- 4. Sustainability, efficiency, and greenhouse gas emissions (17 points, 6 votes)
- 5. Maximum house/building size (17 points, 4 votes)

Respondents ranked their top 5 priorities from 1 - 5. Weighted scores were given for each topic (i.e. rank 1 = 5 points, rank 2 = 4 points, rank 3 = 3 points, rank 4 = 2 points, and rank 5 = 1 point).

WORKSHEET:
What are your key goals and considerations for this update to the zoning bylaw?

Please pick your top 5 priorities:

<input type="checkbox"/> Minimum lot size	<input type="checkbox"/> Additional land uses
<input type="checkbox"/> Maximum lot size	<input type="checkbox"/> Parking
<input type="checkbox"/> Height	<input type="checkbox"/> Bylaw exceptions
<input type="checkbox"/> Density	<input type="checkbox"/> Subdivision
<input type="checkbox"/> Setbacks	<input type="checkbox"/> Accessory suites + coach homes
<input type="checkbox"/> Response of building form to slope	<input type="checkbox"/> Home-based businesses
<input type="checkbox"/> Steep slope development	<input type="checkbox"/> Heritage
<input type="checkbox"/> Bylaw simplicity	<input type="checkbox"/> _____
<input type="checkbox"/> Bylaw flexibility	<input type="checkbox"/> _____
<input type="checkbox"/> Response of buildings to shoreline conditions	<input type="checkbox"/> _____

 Village of Belcarra
Zoning Bylaw Advisory Committee

Objectives of Meeting #3

The purpose of Meeting #3 is to develop an understanding of the following topics:

Different approaches and considerations in zoning

- **What are the advantages and disadvantages of each approach?**

Addressing issues outside the zoning bylaw

- **Non-compliance and non-conformance**
- **Variances**
- **Site-specific rezonings**

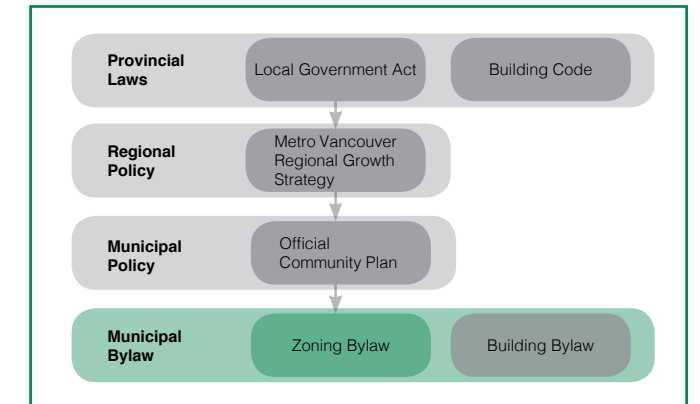
Zoning Bylaw: what *can* and *can't* be regulated? (review)

The LGA allows municipalities to regulate:

- Use (primary + accessory)
- Shape, size, siting
- Density
- Lot size
- Parking
- Heritage

Zoning Bylaws do not regulate:

- Design
- Materials
- Colour
- Rental vs ownership
(cannot compel people to rent their property out)
- Sustainability
- Neighbourliness
- Energy efficiency standards



Different Approaches and Considerations in Zoning

A number of approaches may guide the process of creating zoning bylaws.

Based on local conditions and the objectives of the bylaws, a municipality may choose to emphasize certain elements or take different considerations into account when creating a bylaw. Some of the different approaches and considerations include:

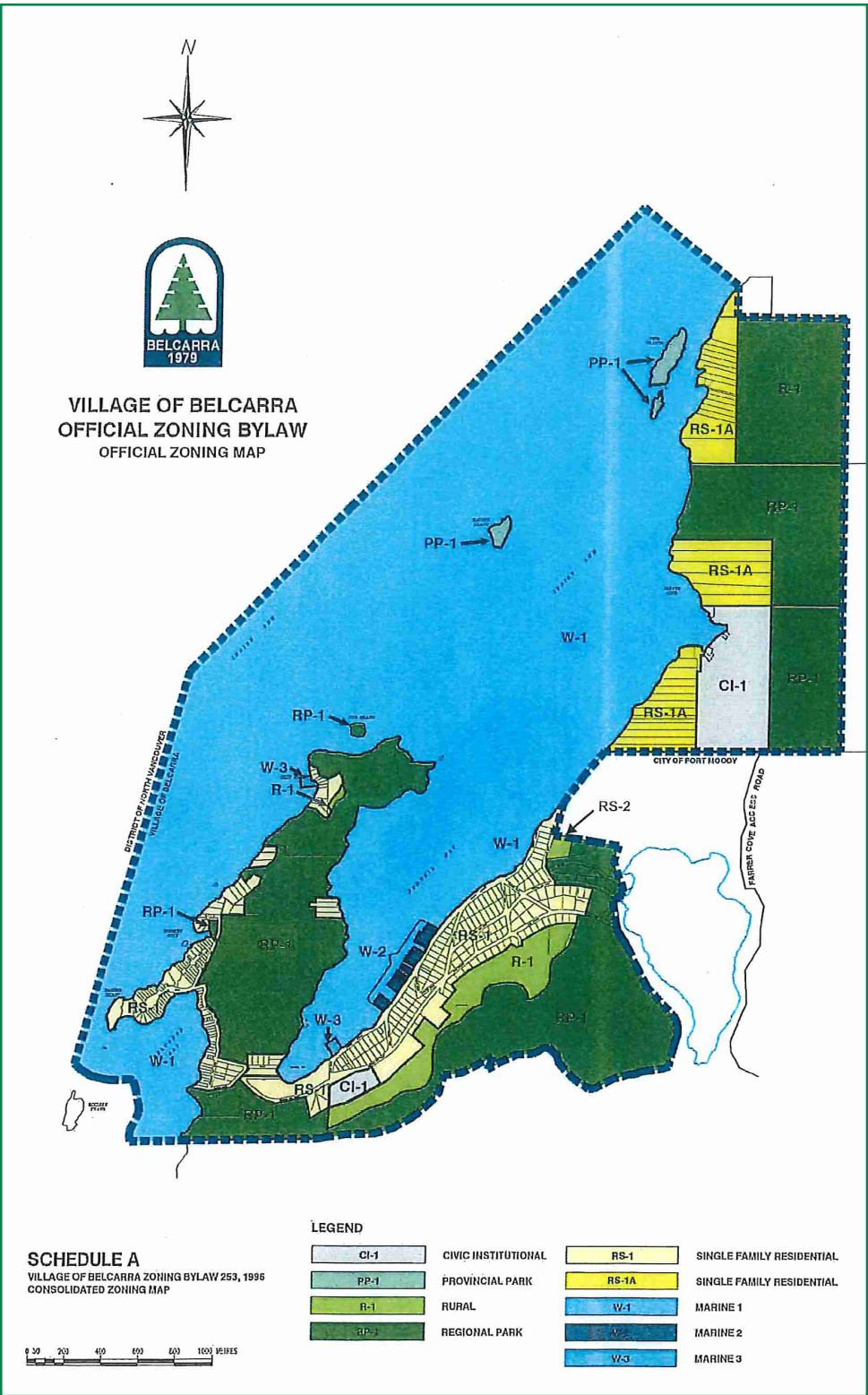
- Traditional
- Geographical
- Lot size
- Slope
- Shoreline

Traditional Approach

Zoning is traditionally based on use.

Different zones can be created for different types of uses, such as single family residential, duplex, and multifamily residential. Each of these zones regulates the principal and accessory uses permitted within that zone, as well as density, height, and setbacks.

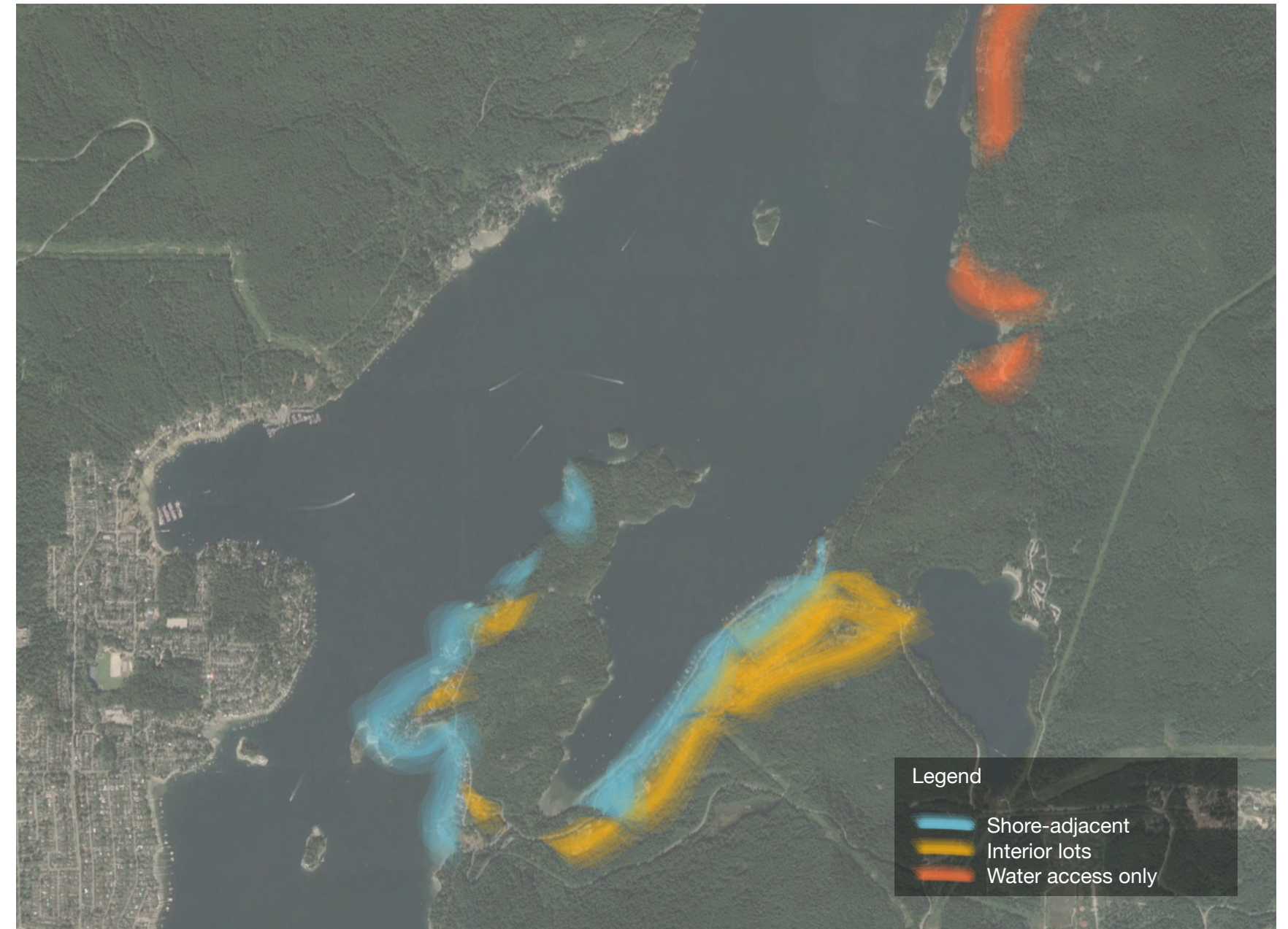
Belcarra's current zoning map:



Geographical Approaches to Zoning

Using a geographical approach, zoning can apply regulations differently to geographically distinct parts of a municipality.

For example, different building sizes, setbacks, heights, and/or uses may be considered for properties based on their geographical location.

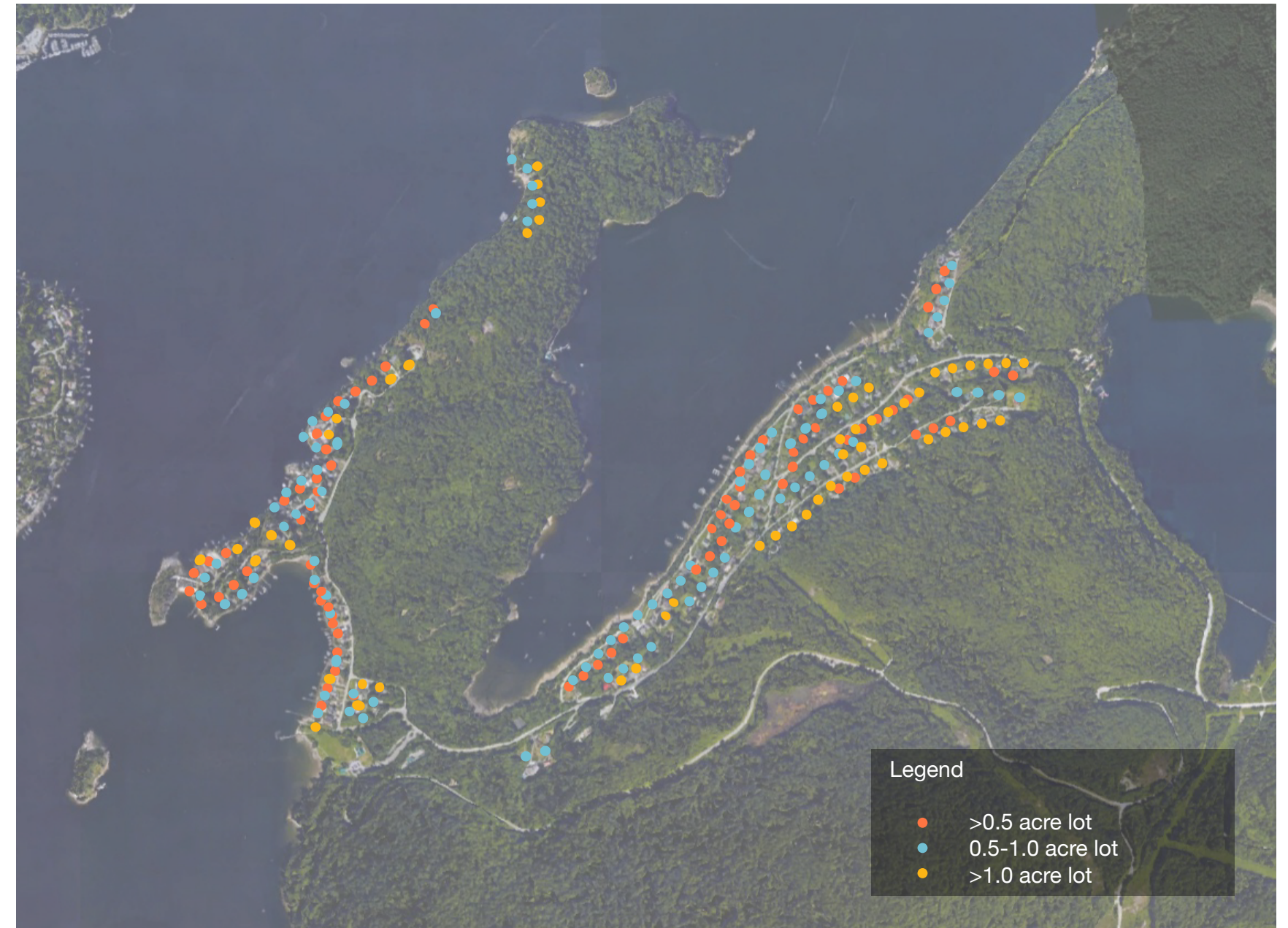


Please note: this diagram is shown for illustration purposes only and is not intended to represent existing conditions in Belcarra or proposed zoning boundaries.

Lot Size-Based Approach

Zones can be created with different regulations for properties based on lot size.

A lot size-based approach could regulate the size of a house, height, and additional uses such as coach houses and accessory suites, based on the size of the lot.

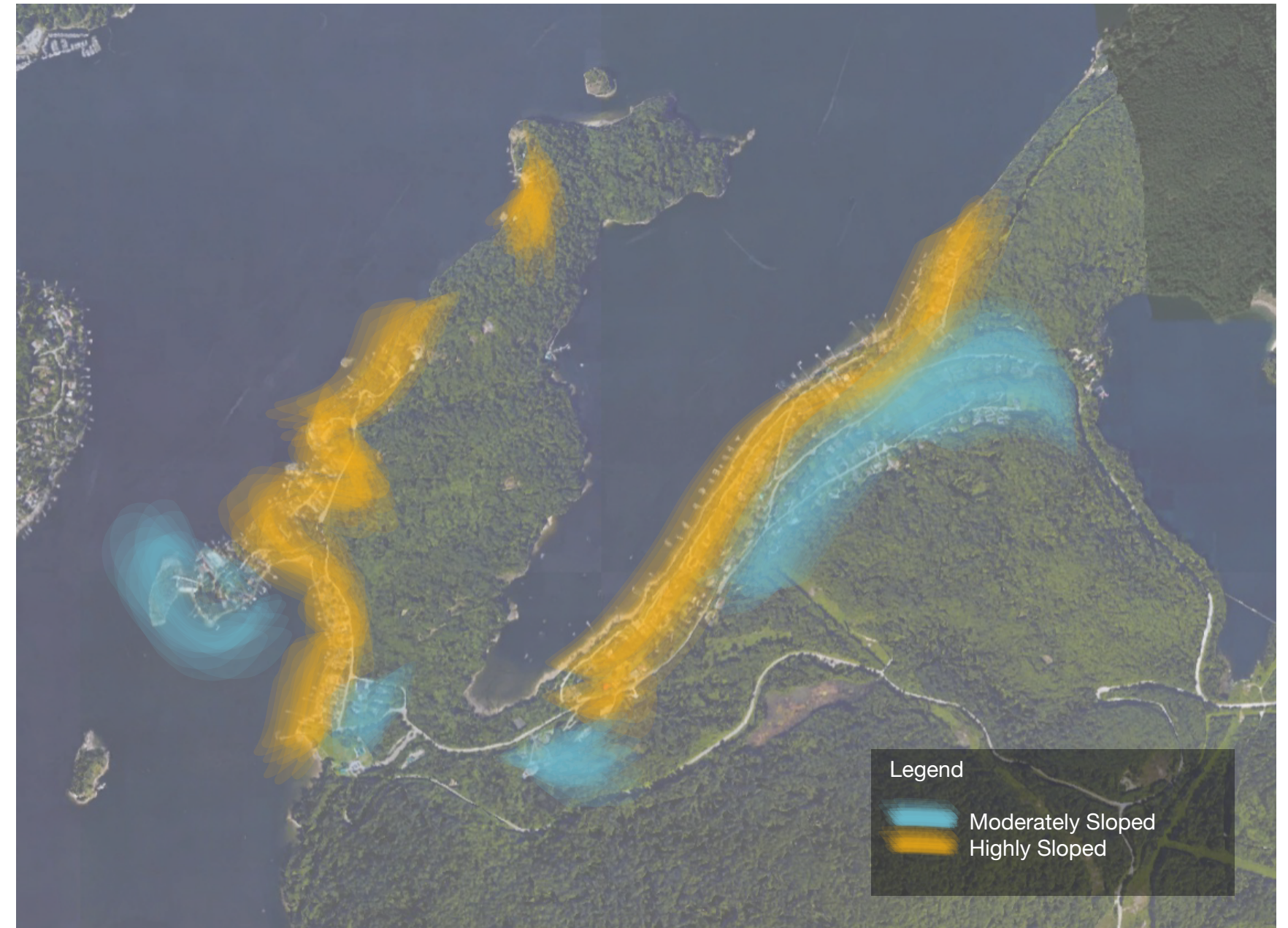


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Slope Considerations

Given Belcarra's topography, consideration for the impact of sloped properties will be an important part of the zoning bylaw.

The presence of a steep slope will impact which parts of a property can be developed. Zoning can address how building size and height are measured on properties with extensive topography, as this has an impact on the appearance of bulk and scale. Environmental factors such as erosion and water runoff can also be addressed.



Please note: this diagram is shown for illustration purposes only and is not intended to represent existing conditions in Belcarra or proposed zoning boundaries.

Shoreline Considerations

The zoning bylaw can provide guidelines for properties that are unique for their proximity to water.

Shoreline adjacency regulations can help with environmental considerations, such as erosion and water runoff, as well as addressing setbacks and size.



Please note: this diagram is shown for illustration purposes only and is not intended to represent existing conditions in Belcarra or proposed zoning boundaries.

Addressing Issues Outside the Zoning Bylaw

The zoning bylaw may not be able to address the unique conditions of some lots.

If a proposed new building, addition, or use on a property does not comply with the existing zoning bylaw, then a variance or a rezoning would be required for that property.

Variance

A landowner may apply for a variance if compliance with the existing bylaw would cause undue hardship. Variances cannot alter use or density.

Rezoning

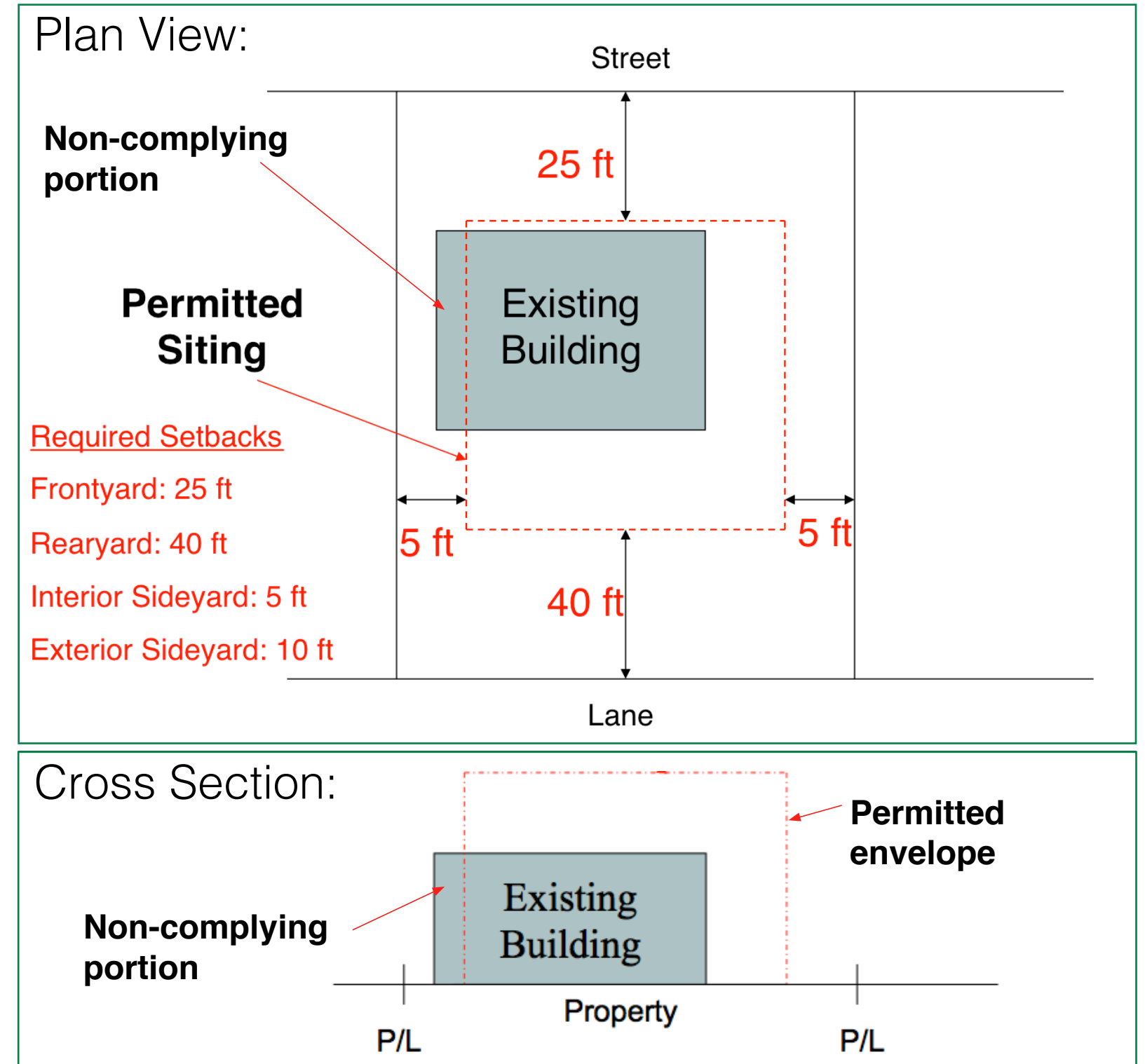
A rezoning application and an approval by Council is required if a landowner wants to change the use and/or density of their property. Council normally will require applicants to notify and engage the public, usually including a public hearing. This process helps Council to determine if the change should be allowed.

Non-Conformance and Non-Compliance

Legal non-conformance involves use or density and usually arises when the municipality changes the zoning of a property from one use to another, for example, from *gravel pit* to *residential*, to encourage transition to another use.

In Belcarra's Case, the introduction of size limits might have rendered some houses non-conforming as to density. Adjustments were made to make the bylaw recognize these properties as conforming. This accommodation is rare in our experience. Without adjustments to accommodate existing building sizes these properties would have become legal non-conforming. The accommodations were very site specific.

Legislation also addresses how **non-compliance** can be dealt with. The illustration to the right demonstrates how a property can be non-compliant in the case of setbacks.



Diagrams courtesy of Gary Penway.

Variances

A variance may be required when the proposed height or siting of a building would not comply with the zoning bylaw.

In these cases, a landowner may make an application to the Board of Variance to allow a variance to the bylaw.

- For example, certain geographical restraints or existing non-complying buildings may make it difficult to meet the regulations of the zoning bylaw.
- Other examples could include topography and riparian or sewage setbacks.

**Submit Building
Permit Application**



**Staff Identify
Non-Compliance**



**Application to Board
of Variance**



**BoV Approves or
Rejects Variance**

Board of Variance

The Board of Variance is appointed by Council to consider minor variances.

The BoV may allow variances to the siting, size, or dimensions of a building, or allow alterations to a building with an existing non-complying use. Applications must demonstrate hardship in order to be considered.

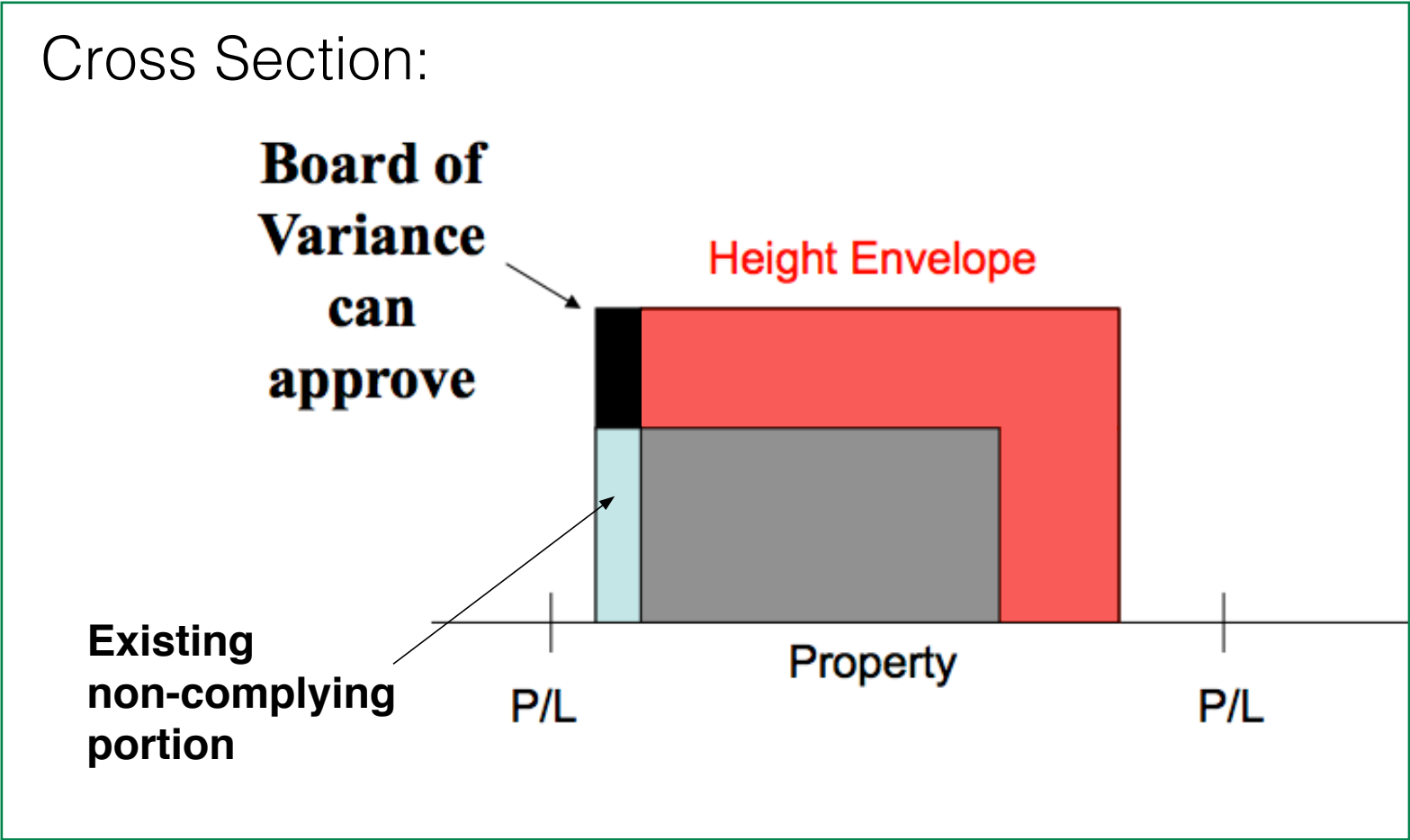
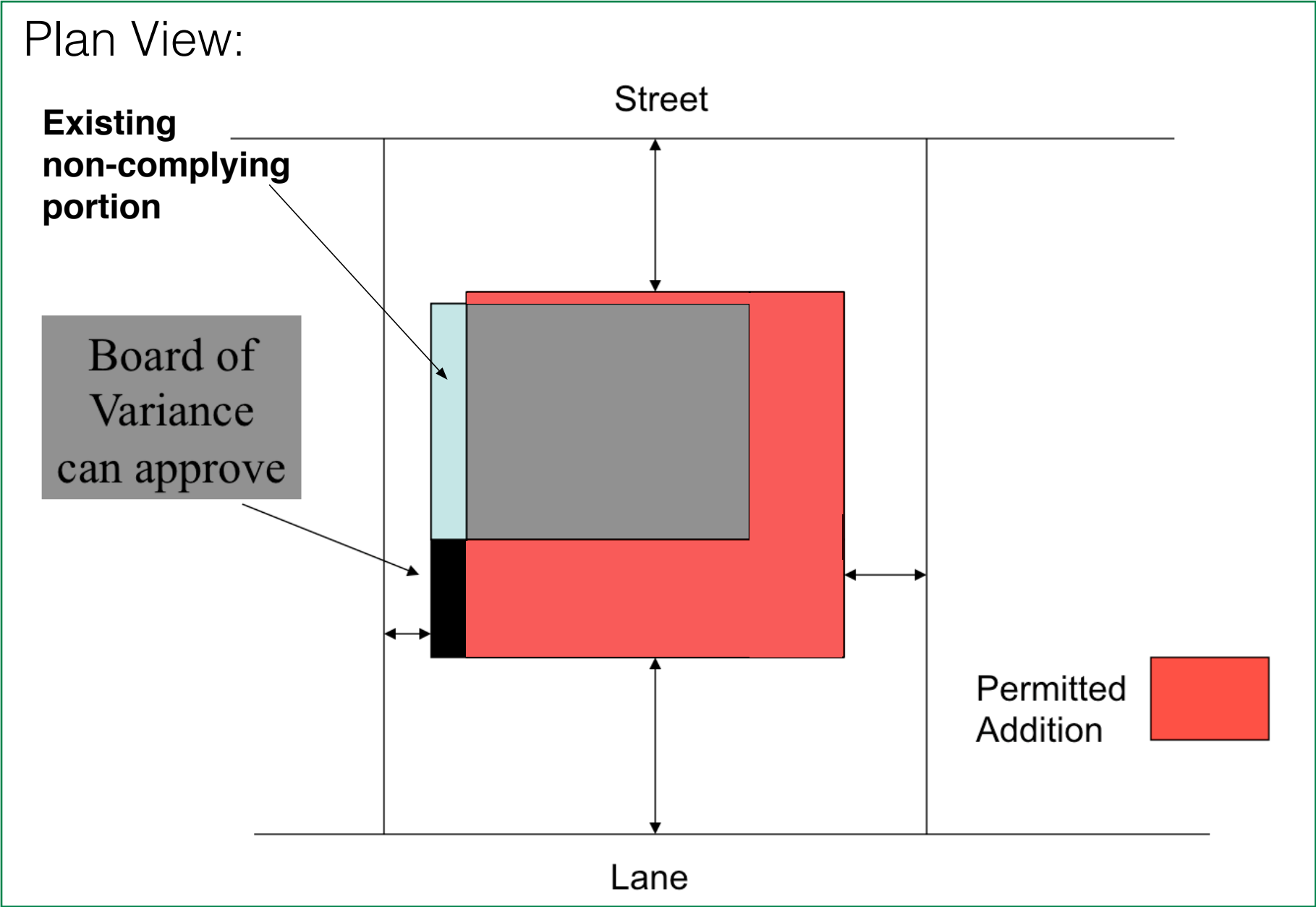
- All municipalities with zoning bylaws must appoint a Board of Variance (Local Government Act).
- Based on population, Belcarra's BoV must consist of 3 people.
- Variances are not guaranteed - the board can accept or reject applications.

The BoV must **not** make decisions that:

- **Vary permitted uses or densities.**
- Result in inappropriate development.
- Adversely impact the natural environment.
- Substantially impact the use of adjacent land.
- Alter floodplain specifications.
- Defeat the intent of the bylaw.

Board of Variance

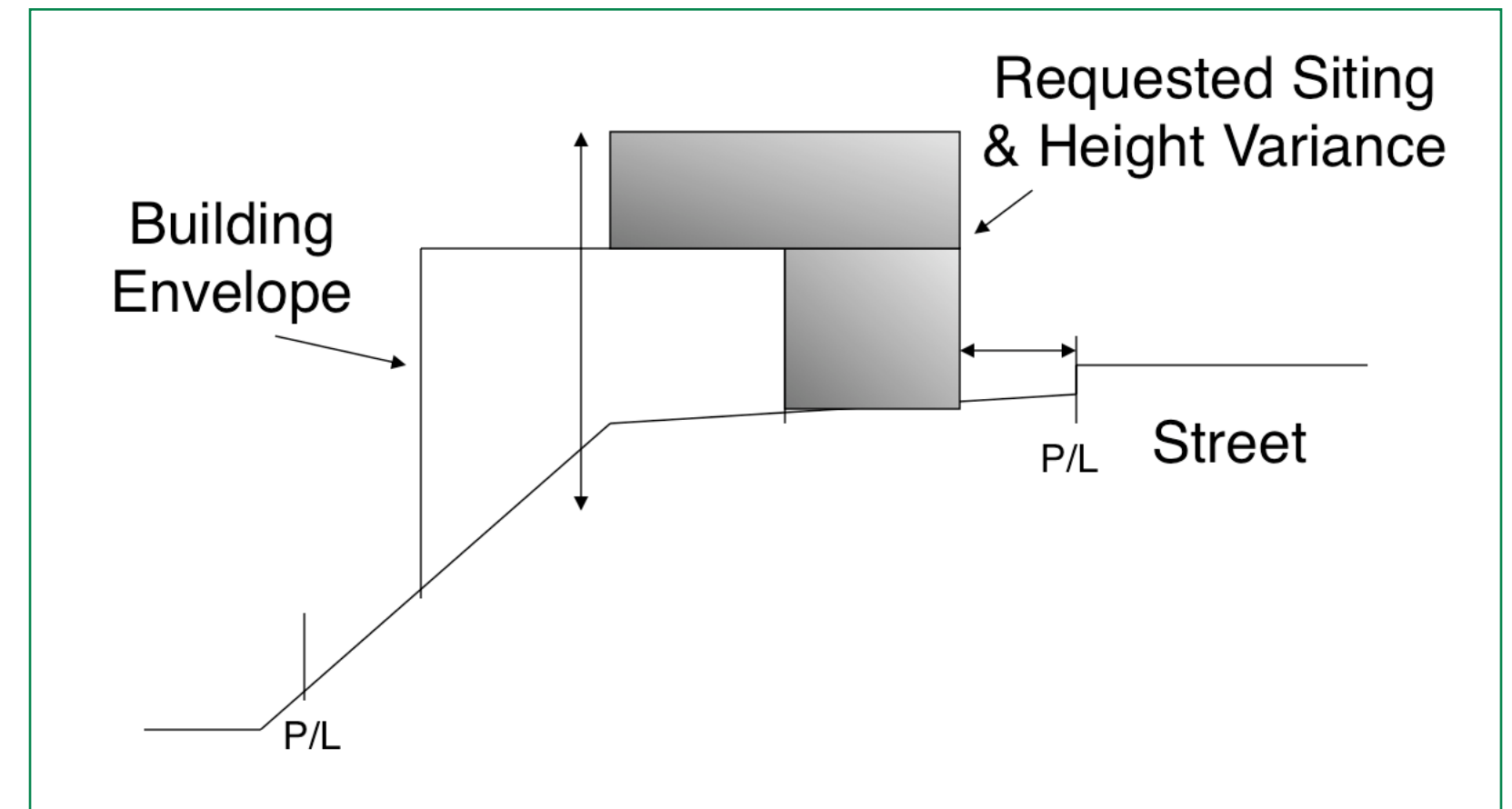
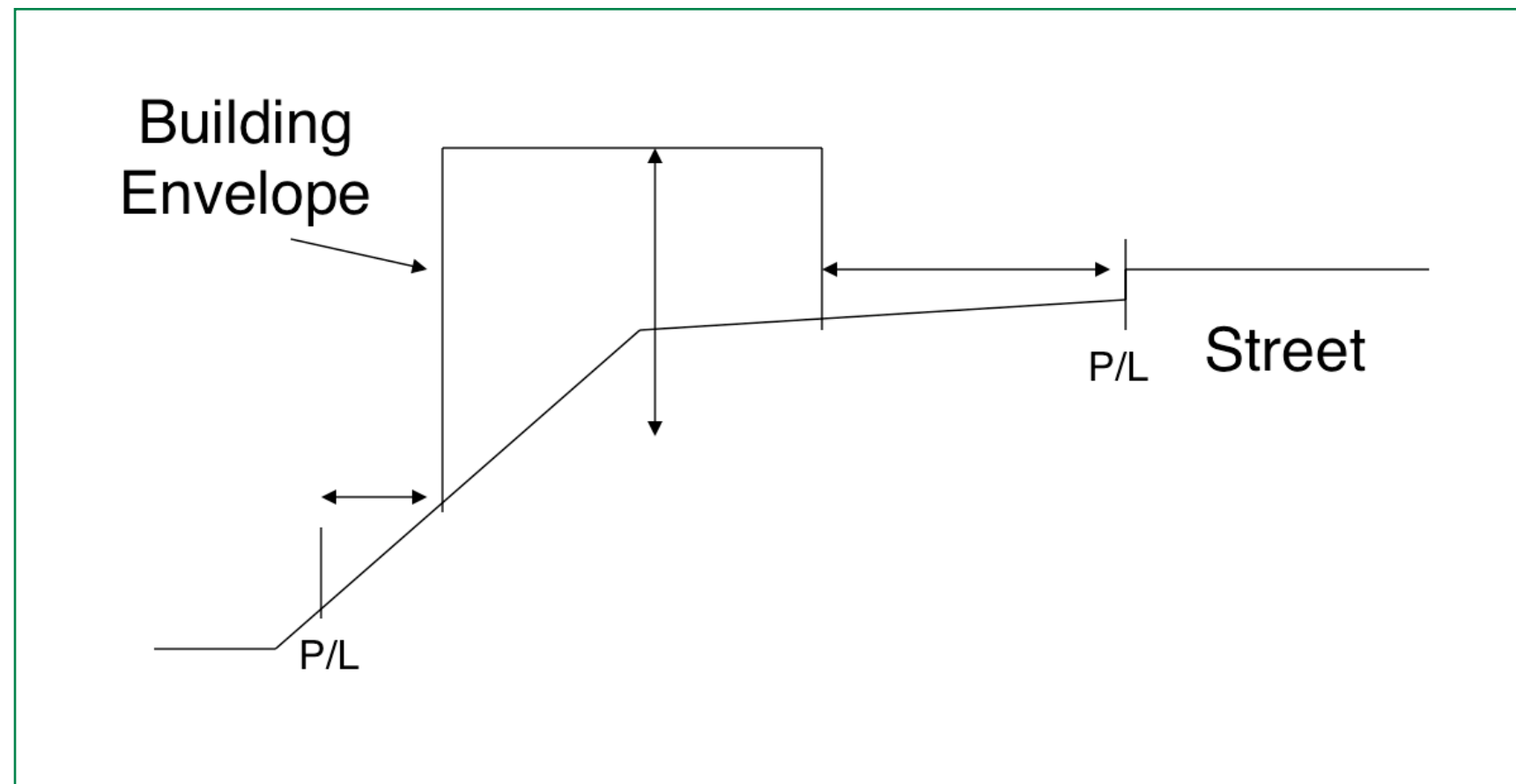
For example, the BoV could approve an addition to a building within a setback area to align with an existing non-complying setback.



Diagrams courtesy of Gary Penway.

Board of Variance

The BoV could also allow a variance for a property on a steep slope if complying with the bylaw would cause undue hardship.

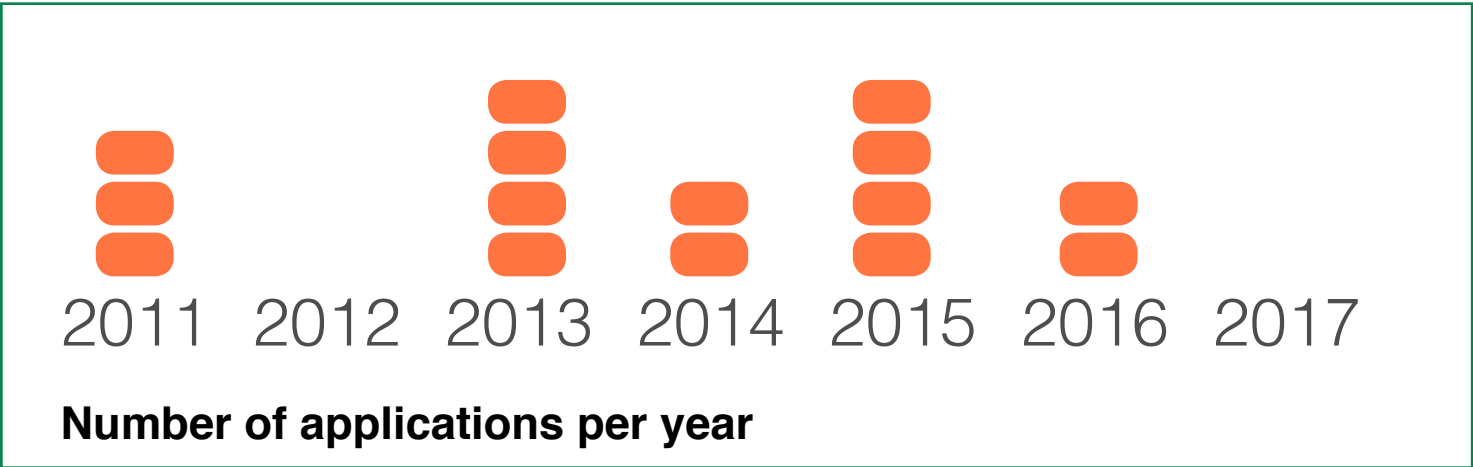


Diagrams courtesy of Gary Penway.

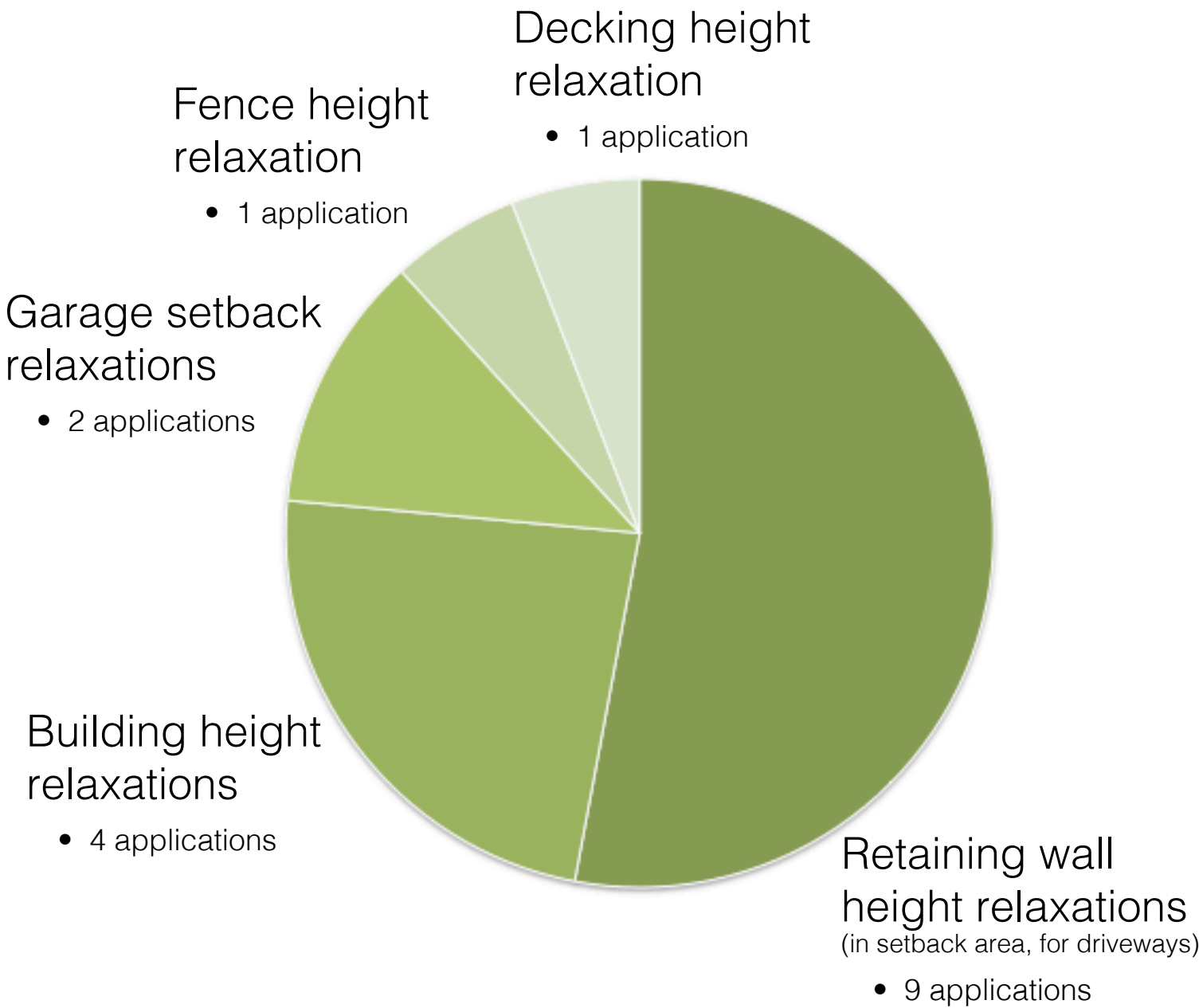
Belcarra Board of Variance Statistics



15 Board of Variance applications since 2011*



100% of applications granted by the Board



*note: some applications requested multiple variances

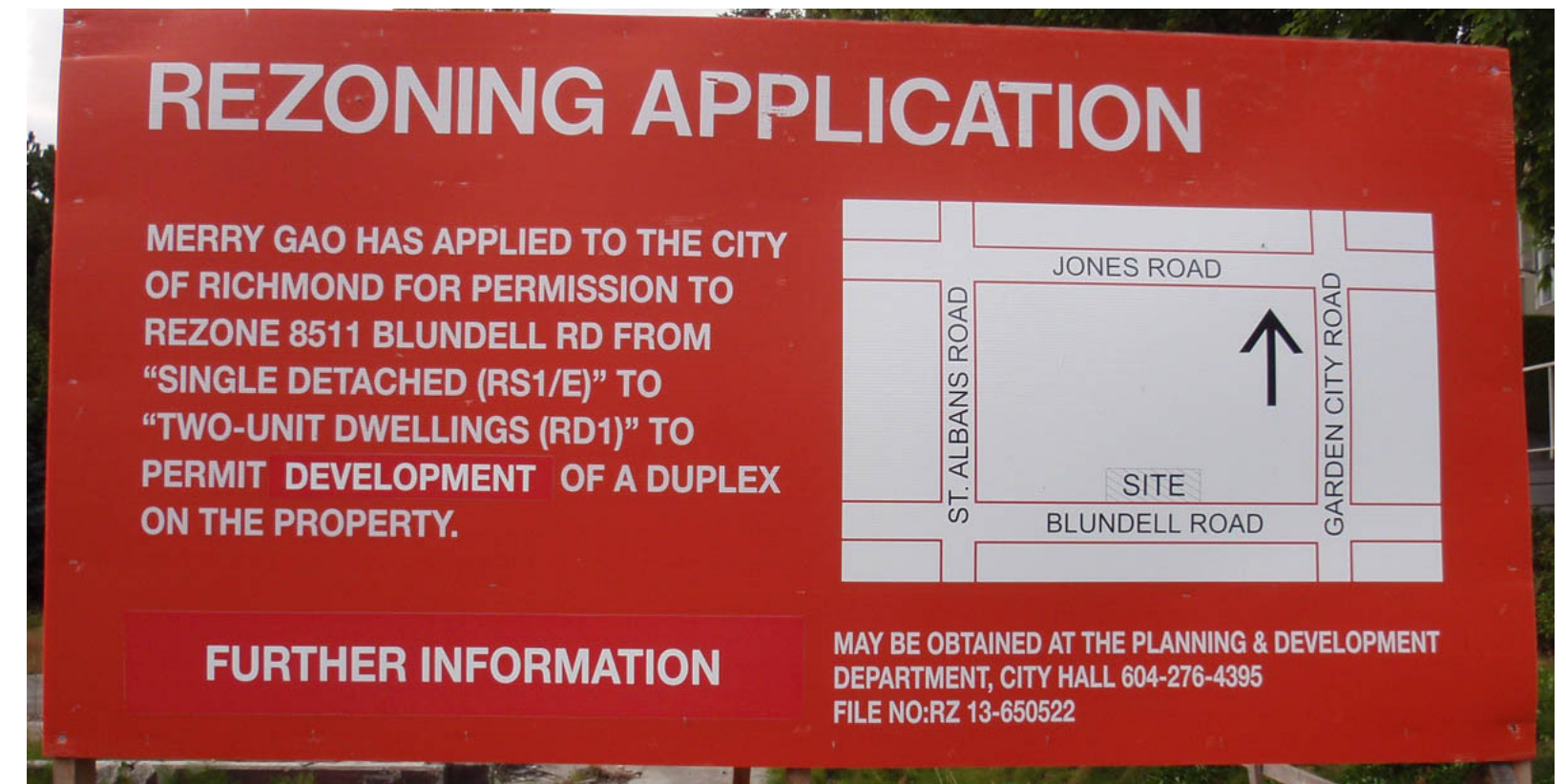
Rezoning

A rezoning is required when a landowner wishes to change the use or density permitted on a property.

For example, if a property's current zoning allows a 10,000 square foot building, a rezoning would be required for any additional density to be allowed.

Rezoning requires an application and the approval of Council. Council normally will require applicants to notify and engage the public, and a public hearing is usually required.

Council may choose to approve or deny the rezoning application.



Next Steps

Meeting #4 - March 8, 2017

Preliminary Topic:

- Overview of zoning in other municipalities